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Plaintiffs' Interim Co-Lead Counsel

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IN RE STUBHUB REFUND LITIGATION

William P. Donovan, Jr. (SBN 155881)
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Counsel for Defendant StubHub, Inc.

Case No. 4:20-md-02951-HSG

**JOINT STIPULATION CONTINUING
CLASS CERTIFICATION BRIEFING
SCHEDULE**

Hon. Haywood S. Gilliam, Jr., presiding

Courtroom 2 – 4th Floor

1 Plaintiffs¹ and Defendant StubHub, Inc. (“Defendant”) (collectively, the “Parties”) submit the
2 following joint stipulation:

3 WHEREAS, on December 20, 2021, the Court adopted the Parties’ joint scheduling proposal
4 and set deadlines that included the briefing and hearing of Plaintiffs’ forthcoming motion for class
5 certification (Dkt. 69);

6 WHEREAS, on July 20, 2022, due to the Parties’ mediation efforts and ongoing document
7 discovery, the Court granted the Parties’ stipulated request to continue the briefing and hearing of
8 Plaintiffs’ motion for class certification (Dkt. 116);

9 WHEREAS, the ensuing schedule was based upon Defendant substantially completing its
10 document production on or before September 30, 2022 (*see* Dkt. 116);

11 WHEREAS, Defendant represented to Plaintiffs on September 22, 2022 that it would not be
12 substantially completing its production by September 30, 2022, and

13 WHEREAS, based upon the broad discovery requests from Plaintiffs and higher than
14 expected volumes of materials to review, Defendant represented to Plaintiffs on October 4, 2022 that
15 it had not yet reviewed all documents collected from agreed custodians using agreed search terms;
16 and

17 WHEREAS, the parties have met and conferred but have not reached agreement regarding
18 Plaintiffs’ requests for additional custodians and search terms; and

19 WHEREAS, Defendant has not yet provided an updated estimate for substantial completion
20 of document production due to ongoing meet and confer efforts; and

21 WHEREAS, on October 31, 2022, Plaintiffs produced thirteen PDF files, comprising 39
22 individual documents, and one voicemail native file related to 13 of the 56 named plaintiffs, and
23 represented that additional productions would be forthcoming on a rolling basis to be substantially
24 complete between December 1 and 31, 2022; and

25 WHEREAS, the parties have met and conferred but have not reached agreement regarding
26 Defendant’s demand that Plaintiffs produce all fifty-six named Plaintiffs for deposition in the

27 _____

28 ¹ Defined as the Plaintiffs named in the Consolidated Complaint filed January 8, 2021. (Dkt. 36.)

Northern District of California prior to Defendant's deadline to respond to Plaintiffs' motion for class certification (allowing for reasonable accommodations for Plaintiffs with medical conditions that prohibit them from traveling), and Defendant intends to submit a joint letter brief on the issue to Magistrate Judge Hixson during the week of November 7, 2022; and

WHEREAS, the Parties have agreed that, due to the parties' need for additional time to complete document production and for depositions to occur, additional time is required for both Parties to adequately prepare for and brief class certification;

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NOW, THEREFORE, the Parties hereby jointly stipulate to the following continued case schedule, subject to the Court's approval, with the concurrently-filed proposed order:

Event	Joint Proposal
Substantial completion of Defendant's document production	On or before March 31, 2023
Plaintiffs' deadline to file motion for class certification (and disclosure of class expert(s))	May 22, 2023
Defendant's deadline to file response to class certification motion (and disclosure of class rebuttal expert(s))	July 21, 2023
Plaintiffs' reply in support of class certification and parties' responses to any <i>Daubert</i> challenges	September 1, 2023
Hearing on Plaintiffs' class certification motion	TBD (to be set by the Court)

Respectfully submitted,

Dated: November 2, 2022

/s/ Tina Wolfson

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Plaintiffs' Interim Co-Lead Counsel

Dated: November 2, 2022

/s/ William P. Donovan, Jr.

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Counsel for Defendant StubHub, Inc.

ATTESTATION OF FILER

The undersigned hereby attests that the above signatories have reviewed the contents of the foregoing document and approve its filing.

Dated: November 2, 2022

/s/ Tina Wolfson

Tina Wolfson

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE STUBHUB REFUND LITIGATION

Case No. 4:20-md-02951-HSG

**ORDER CONTINUING CLASS
CERTIFICATION BRIEFING
SCHEDULE**

Hon. Haywood S. Gilliam, Jr., presiding
Courtroom 2 – 4th Floor


ORDER

Having considered the instant joint stipulation, and good cause appearing, the Court
HEREBY ORDERS the following case schedule:

Event	Date
Substantial completion of Defendant's document production	On or before March 31, 2023
Plaintiffs' deadline to file motion for class certification (and disclosure of class expert(s))	May 22, 2023
Defendant's deadline to file response to class certification motion (and disclosure of class rebuttal expert(s))	July 21, 2023
Plaintiffs' reply in support of class certification and parties' responses to any <i>Daubert</i> challenges	September 1, 2023
Hearing on Plaintiffs' class certification motion	September 28, 2023 at 2:00 p.m.

SO ORDERED.

Dated: 11/3/2022


Hon. Haywood S. Gilliam, Jr.
United States District Judge